TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Michael Ake
Interim Chief of Police

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE**: November 19, 2021
Internal Affairs Section

SUBJECT: CITY CONDUCT COMPLAINT 21COM-0086

Complainant:
Ms. Dani M. Hylton
435 East 64th Street
Tacoma, WA 98404
253.840.8808

On July 5, 2021, Ms. Dani Hylton contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 21COM-0086.

Allegation(s): Courtesy; Unsatisfactory Performance; Violation of Rules

COMPLAINT SUMMARY
Ms. Hylton alleged the officer was rude and failed to conduct a proper investigation.

INVESTIGATION
The complaint was forwarded to the Operations Bureau, which reported the following:

Ms. Hylton was contacted regarding her complaint. She advised she responded to her residence after getting a report from her adult son that an explosion occurred in his bedroom while he was in the bathroom. When she arrived, Tacoma Fire Department (TFD) personnel and Officer Anderson were examining damage. Officer Anderson immediately accused her son of causing the explosion and that they should stop immediately. She advised she spent 15 minutes defending her son. Ms. Hylton acknowledged TFD personnel had pointed out that her son had a fire extinguisher already set up in his bedroom and how it appeared he was ready to put out a fire from the explosion. TFD personnel on scene informed Officer Anderson that it appeared suspicious in nature. She advised her son had always had the extinguisher but was not responsible for the explosion. It was brought up by the investigating supervisor that it would not be unreasonable for an officer to inquire about the possibility of someone within the house being responsible if TFD indicated it was possible; however, she stated it was not possible for her son to be responsible and felt victimized to have to defend her family's innocence when they called 911. She was concerned that Officer Anderson indicated he would document the potential involvement with her son, but she was informed that her son was not listed as a suspect in the report. Ms. Hylton stated she is tired of feeling victimized by the officers who respond and treat her family like suspects as opposed to victims. She believes it is due to her living on the east side of Tacoma in a less-than-desirable location. She has had prior interactions with Officer Anderson who has led her to believe he has no interest in providing her assistance. She denied Officer Anderson using profanity or derogatory language. She also denied Officer Anderson making any comments about her living on the east side. She advised it was his tone of voice and the way he carried himself that made him appear uninterested, with his mind already made up.

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Officer Anderson was interviewed regarding this complaint. He advised he contacted the occupants of the residence, to include Ms. Hylton, and obtained her story that someone had thrown some type of incendiary device attached to a rock through her adult son's bedroom who was not inside the room when it occurred. Damage was noted consistent with a possible "sparkler bomb" type of device on the floor of the bedroom. There was evidence of a small explosion occurring in the bedroom and a large amount of broken glass from the window outside the residence. It seemed a little off that the entry hole in the window from a thrown rock and subsequent explosion inside the bedroom would cause so much broken glass and debris on the outside of the residence. TFD had responded to the scene and he indicated TFD agreed. Due to the possible conflicting evidence, Officer Anderson asked Ms. Hylton some follow-up questions. He stated he prefaced the questions so as not to get anyone inside the residence in trouble but if it were possible her son had been playing with a device that exploded. Ms. Hylton became very defensive about him making any questions about someone inside being responsible. He advised he was not attempting to anger anyone but just wanted to conduct a thorough investigation due to his observations and TFD agreeing with what he saw. He said he proceeded with obtaining further investigative information, including the ongoing issues Ms. Hylton claimed to be having with the church around the block. Officer Anderson utilized his body worn camera (BWC) to document the damage in the residence and confirmed Forensics would not be responding due to no weekend staffing. He advised Ms. Hylton appeared to be pleased and even thanked him several times. He provided a case number/card and told her he was going to check the neighborhood for surveillance cameras. He observed a doorbell styled camera at the next door neighbor's house and made contact with the occupants. He discovered their camera was not functioning.

Officer Anderson was asked if this was the second time Ms. Hylton had a problem during a call with him. He advised he had no prior recollection of responding to her residence. A review of the Computer Aided Dispatch (CAD) system showed Officer Anderson responding to the area on May 27, 2020, for a report of a party in the area (CAD #2014801576). Ms. Hylton was the caller reporting numerous vehicles in the alley with individuals drinking and smoking. Officer Anderson and another officer responded to the area. The CAD indicated Ms. Hylton declined to have police contact when she called in the complaint.

South Sound 911 (SS911) was consulted about Tacoma Fire Department response to this incident. They advised they only had a record of a call at the location but no further information available, to include what crew responded.

Sergeant Jagodinski was contacted regarding this complaint. Upon his arrival, he entered the residence and observed the damage, speaking with the occupants of the residence. No one inside made any statements to him expressing any concern reference Officer Anderson's conduct. He instructed Officer Anderson to collect the rock as evidence. He advised Ms. Hylton to take photos of the damage due to the fact there was no Forensics staffing on the weekend. He then exited the residence, spoke with Officer Anderson, and cleared the scene. He advised he was surprised Ms. Hylton had filed a complaint as there was nothing during his time on the scene that seemed out of the ordinary. He advised while he was on scene there was nothing of Officer Anderson's conduct or actions that concerned him.

In review of Officer Anderson's BWC, it showed him contacting Sergeant Jagodinski outside the residence on the street. He then entered the residence contacting Ms. Hylton, advising her he was going to utilize his BWC to document the damage in the residence. He interviewed Ms. Hylton, obtaining her information necessary to complete a formal report. Officer Anderson provided an incident card and asked them to point out a suspected residence whom she has had issues with in the past. Officer Anderson advised he was going to check the area for surveillance cameras and stated, "Hope you folks have a better weekend." Ms. Hylton thanked him, and he began to exit the residence. Ms. Hylton asked

about taking photos again, and Officer Anderson indicated she can take photos and that he was taking the rock for evidence. Ms. Hylton advised it was really scary, and Officer Anderson told her that it was really good no one was in the room. They talked some more about the observed damage, and Mr. Hylton talked about damage to the bathroom, which was not mentioned before. Officer Anderson asked to see it, and they went back inside to the bathroom to observe and talk about the damage. Officer Anderson began to leave again, and Ms. Hylton thanked him. Officer Anderson advised her if they hear anything from the neighbors or anyone else to call back. Ms. Hylton thanked him again, and he leaves. The BWC showed Officer Anderson walked to the neighbors next door and made contact due to the doorbell video camera. The neighbors advised the camera is not functioning. Further questions were asked about the incident.

In review of Sergeant Jagodinski's BWC, it showed him enter the damaged bedroom with Officer Anderson and Ms. Hylton. He inquired with Ms. Hylton who would be mad at them. Ms. Hylton replied she suspects the church around the corner due to her filing code enforcement complaints against them for hoarding. He advised Ms. Hylton a report will be written. Officer Anderson inquired about Forensics, to which Sergeant Jagodinski advised they are not available and then advised Ms. Hylton to take photos and set aside the damaged items. He advised Ms. Hylton they would take the rock as evidence. Ms. Hylton inquired about obtaining the police report, and Sergeant Jagodinski advised a request can be made online through SS911. He then exited the residence and walked back toward his car.

During the investigation, it was discovered an internal violation of policy occurred when Officer Anderson failed to activate his body worn camera in a timely manner.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Anderson, and Sergeant Jagodinski, as well as review of the Computer Aided Dispatch and responding officers' body worn camera. The investigation was reviewed by the officer's chain of command; and the allegations of Courtesy and Unsatisfactory Performance against the involved officer is concluded as **Not Sustained,** which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.* The allegation of Violation of Rules against the involved officer for failing to activate his body worn camera is concluded as **Sustained,** which is *a final disposition of a complaint when it is found that the member acted improperly with respect to the Department policy.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.

[signature] for

Michael Ake
Interim Chief of Police

12/14/21
Date

/man

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